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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,201	01/16/2004	Hyeun-Sik Nam	0630-1939P	4891
2292	7590	10/16/2006		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER SNIDER, THERESA T	
			ART UNIT 1744	PAPER NUMBER

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/758,201	NAM ET AL.	
	Examiner	Art Unit	
	Theresa T. Snider	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/17/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. Figures 3-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 4, line 7, 'a' should be deleted.

Page 7, line 18, 'are' should be replaced with 'is'.

Page 11, line 22, it is unclear as to what is meant by 'formed 32 near'.

Page 18, lines 7-8, it is unclear as to what is meant by 'at firsthand'.

Appropriate correction is required.

Claim Objections

4. Claims 6-14, 17 and 21 are objected to because of the following informalities:

Claim 6, line 6, 'and' should be deleted;

Line 8, 'in releasing the button' may be more appropriately replaced with 'upon release of the button'(or the like).

Claim 7, line 2, 'and' should be deleted;

Line 2, 'a' should be replaced with 'the'.

Claim 9, line 2, 'deformed' should be replaced with 'deform'.

Claim 7, line 3, 'and' should be deleted.

Claim 12, line 11, 'and' should be deleted;

Line 13, 'in releasing the button' may be more appropriately replaced with 'upon release of the button'(or the like).

Claim 14, line 2, 'deformed' should be replaced with 'deform'.

Claim 17, line 2, 'deformed' should be replaced with 'deform'.

Claim 19, line 2, 'a' should be replaced with 'the'.

Claim 21, line 2, 'in releasing the lever' may be more appropriately replaced with 'upon release of the lever'(or the like).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, it is unclear as to what is being claimed. Are the first three lines the preamble and not part of the 'claimed' invention and the last two lines are the invention?

Claims 4 and 11, line 2, it is unclear as to what is meant by 'to pivot on its one end'; the support part or each of the fixing members pivot?

Claim 5, line 1, 'the separating unit' lacks proper antecedent basis;

Lines 6-7, it is unclear as to what is meant by 'a direction...each other';

Line 7, it is unclear as to what is meant by 'far' away.

Claim 12, lines 7-8, 'in directions...each other';

Line 8, it is unclear as to what is meant by 'far' away.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by McClatchie.

McClatchie discloses a support part for mounting a dust bag on an inner side of a dust cover (fig. 1, #3).

With respect to claim 15, McClatchie discloses a connection dust connected with a suction duct integrally installed to the cover (fig. 1, #45, fig. 9, #47(suction duct)).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schlapkohl.

Schlapkohl discloses a support part for mounting a dust bag on an inner side of a dust cover (fig. 4, unnumbered element beneath #66, col. 6, line 64-col. 7, line 4).

10. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stein et al..

Stein et al. discloses a support part for mounting a dust bag on an inner side of a dust cover (fig. 1, #34,35).

With respect to claim 7, Stein et al. discloses a guide unit installed inside the dust cover for setting a position of the bag (fig. 3, #5).

11. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sumerau et al..

Sumerau et al. discloses a support part for mounting a dust bag on an inner side of a dust cover (fig. 1, #2).

With respect to claim 2, Sumerau et al. discloses the support part having a fixing member installed inside the cover and having a groove (fig. 3, #34,25).

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12. Claims 1-3, 7 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Stephens et al..

Stephens et al. discloses a support part for mounting a dust bag on an inner side of a dust cover (fig. 1, #62).

With respect to claim 2, Stephens et al. discloses the support part having a fixing member installed inside the cover and having a groove (fig. 1, #90).

With respect to claims 3 and 10, Stephens et al. discloses a separating unit (col. 5, lines 43-47).

With respect to claims 7 and 10, Stephens et al. discloses a guide unit installed inside the dust cover for setting a position of the bag (fig. 1, #64).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schlapkohl as applied to claim 1 above, and further in view of Valentini.

Schlapkohl discloses a similar dust cover however fails to disclose a handle.

Valentini discloses a dust cover with a handle (fig. 2, #10). It would have been obvious to one of ordinary skill in the art to provide the handle of Valentini in Schlapkohl to allow an operator greater ease in being able to grab the cover and open it.

16. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. as applied to claim 1 above, and further in view of Valentini.

Stein et al. discloses a similar dust cover however fails to disclose a handle.

Valentini discloses a dust cover with a handle (fig. 2, #10). It would have been obvious to one of ordinary skill in the art to provide the handle of Valentini in Stein et al. to allow an operator greater ease in being able to grab the cover and open it.

Allowable Subject Matter

17. Claims 4-6, 8-9, 11-14 and 16-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

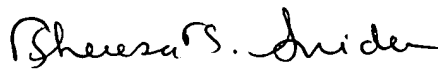
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Himukai discloses a dust cover having a support part on an inner side thereof.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Theresa T. Snider
Primary Examiner
Art Unit 1744

10/4/06